

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

UNITED STATES OF AMERICA  
upon the relation and for the use of the  
TENNESSEE VALLEY AUTHORITY,  
Plaintiff,

v.

No. 1:20-CV-047-SA-DAS

AN EASEMENT AND RIGHT-OF-WAY  
OVER 1.02 ACRES OF LAND, MORE  
OR LESS, IN OKTIBBEHA COUNTY,  
MISSISSIPPI, and  
ELBERT J. DAY, JR.,  
GARY LYNN DAY,  
BRENDA J. HUNT,  
Defendants.

**JUDGMENT AND ORDER DISBURSING FUNDS**

On November 16, 2020, Plaintiff United States of America on behalf of the Tennessee Valley Authority and Defendants Elbert J. Day, Jr., Gary Lynn Day, and Brenda J. Hunt informed the Court of the settlement of this condemnation action. The parties now jointly move for the entry of an agreed judgment and order disbursing funds. The Court finds the joint motion well taken, and

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that:

1. Defendants shall recover from Plaintiff \$55,000 as the full and final amount of just compensation for the taking of the easement and right-of-way condemned in this action, which amount has been deposited by Plaintiff with the Registry of the Court and the disbursement of which is provided for in paragraph 2 below.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$55,000 payable to “The Winfield Law Firm Trust Account” in full satisfaction of this Judgment and Order Disbursing Funds (Judgment),

and to mail said check to Charles E. Winfield, Esq., The Winfield Law Firm, P.A., 224 East Main Street, Starkville, Mississippi 39759. The Clerk of this Court is further authorized and directed to disburse any accrued interest to the Tennessee Valley Authority.

3. Plaintiff is granted immediate possession of the condemned property and is hereby put into immediate possession of the property described below in Paragraph 4 to the extent necessary to permit the Tennessee Valley Authority to carry on any of its operations described in the pleadings filed herein, and that the Defendant surrenders possession of said property to the Tennessee Valley Authority.

4. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed in this action on March 18, 2020 (Doc. 2-1), is hereby fully and finally confirmed with respect to the easement and right-of-way described below, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (*id.*):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. WTBJ-19

A strip of land located in the Southwest 1/4 of Section 6, Township 18 North, Range 15 East, Oktibbeha County, State of Mississippi, as shown on a map entitled "West Point – Midway Transmission Line Tap to Blackjack, Miss.," drawing LW-3226, sheet P8B, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commence at the Southwest corner of 4-County Electric Power Association as shown on said LW-3226, a common corner of Elbert J. Day Jr., et al.; thence in a westerly direction with the north right-of-way of Blackjack Road, 58.86+/- to a point on the centerline of the location of the transmission line at survey station 126+63.64, and being the Point of Beginning.

The said strip being bounded on the south end by the said right-of-way line; thence with the centerline of the location N. 00° 31' 22" W., 384.79 feet to a point of intersection on the centerline of the location at survey station 130+48.43 having the state plane coordinates of North: 1436270.15 East: 1003491.99; thence with the centerline of the location N. 89° 29' 27" E., 58.87 feet to a point of ending on the centerline of the location at station 131+07.3, and on the property line of the 4-County Electric Power Association Blackjack, Miss. Substation, the said strip being bounded on the east end by the said road right-of-way, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land includes the centerline of the transmission line location for a net distance 443.66 feet and containing 1.02 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 130+48.43.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract WTBJ-18, Oktibbeha County, Mississippi (Blackjack Road), the adjoining road right-of-way shown on the map referenced above.

The above-described parcel of land is lying in the Southwest 1/4 of Section 6, Township 18 North, Range 15 East, Oktibbeha, State of Mississippi.

The coordinates, distances and directions of lines are referred to the Mississippi East 2301 Coordinate System, NAD83 (2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is SO ORDERED, on this the 16th day of December, 2020.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE

We hereby approve and consent  
to the entry of this Judgment:

s/James S. Chase

Michael V. Bernier (MS BAR 103960)  
James S. Chase (TN BPR #020578)  
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